

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JACOBSON WAREHOUSE CO., INC., *et al.*,

Plaintiffs,

ORDER

-against-

20-cv-4416 (CS) (AEK)

PRESTIGE BRANDS, INC.,

Defendant.

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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

On October 21, 2022, the Court conducted a status conference to address a range of discovery disputes. *See* ECF No. 290 (agenda listing various disputes discussed during conference). During the conference, the Court set the following deadlines:

- (1) By October 31, 2022, Prestige is to produce the outstanding claims data responsive to Interrogatory No. 7 of XPO's Second Set of Interrogatories.
- (2) By November 4, 2022, the parties are to provide the Court with a joint status report on the Accuplus issue raised in ECF No. 289.
- (3) By November 10, 2022, Prestige is to complete its supplemental responses to XPO's spoliation-related document demands, including Request Nos. 1-11 of XPO's Second Request for Production of Documents, Request No. 10 of XPO's Sixth Request for Production of Documents, and Request Nos. 1-3 of XPO's Seventh Request for Production of Documents. By that same date, Prestige must produce a privilege log for the spoliation discovery demands directed at Prestige.
- (4) The parties are directed to submit further briefing in support of, and in opposition to, XPO's motion to compel "any and all documents concerning the Data Loss over which Prestige has asserted, or will in the future assert, privilege." *See* ECF No. 252 at 3. The parties' briefing—not to exceed ten pages each—is to be submitted in accordance with the following briefing schedule: XPO's motion to compel is due by November 23, 2022; Prestige's response is due by December 9, 2022. No reply briefs are permitted.
- (5) By December 1, 2022, XPO is to complete the production of all shipping documents responsive to Request No. 7 of Prestige's Seventh Request for Production of Documents.

The next conference in this matter before Magistrate Judge Krause is scheduled for November 30, 2022 at 11:00 a.m. The conference will take place by telephone if there are no additional disputes. If there are disputes, the conference will take place in person in Courtroom 250 at the White Plains federal courthouse.

Dated: October 24, 2022
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge